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SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC Suite 800 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213			EXAMINER AUGHENBAUGH, WALTER	
			ART UNIT 1772	PAPER NUMBER

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,351

Applicant(s)

USUI ET AL.

Examiner

Walter B Aughenbaugh

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgement of Applicant's Amendments

1. The amendments made in claims 1-3, 5-7, 11, 14-18, 20, 22 and 23 in the Amendment filed July 30, 2004 (Amdt. F) have been received and considered by Examiner.
2. New claims 24-28 presented in Amdt. F have been received and considered by Examiner.

WITHDRAWN OBJECTIONS

3. The objection to claim 19 made of record in paragraph 12 of the Non-Final Rejection mailed April 30, 2004 (Rej. 4) has been withdrawn due to Applicant's amendment in claim 1 in Amdt. F.

REPEATED OBJECTIONS

4. The objection to claim 21 made of record in paragraph 12 of Rej. 4 has been repeated for the reasons previously made of record in paragraph 12 of Rej. 4.

WITHDRAWN REJECTIONS

Claim Rejections - 35 USC § 112

5. The 35 U.S.C. 112 rejection of claims 1, 3, 5, 7, 8, 9, 11, 17 and 19-23 made of record in paragraph 14 of Rej. 4 has been withdrawn due to Applicant's arguments on pages 16-18 of Amdt. F.

Claim Rejections - 35 USC § 102

6. The 35 U.S.C. 102 rejection of claims 7-10 and 21 that was repeated in paragraph 6 of Rej. 4 has been withdrawn due to Applicant's amendment in claim 7 in Amdt. F.

Claim Rejections - 35 USC § 103

7. The 35 U.S.C. 103 rejection of claims 2 and 20 that was repeated in paragraph 7 of Rej. 4 has been withdrawn due to Applicant's amendment in claim 2 in Amdt. F.

8. The 35 U.S.C. 103 rejection of claim 11 that was repeated in paragraph 8 of Rej. 4 has been withdrawn due to Applicant's amendment in claim 7 in Amdt. F.

9. The 35 U.S.C. 103 rejection of claim 12 that was repeated in paragraph 9 of Rej. 4 has been withdrawn due to Applicant's amendment in claim 7 in Amdt. F.

10. The 35 U.S.C. 103 rejection of claim 5 that was repeated in paragraph 10 of Rej. 4 has been withdrawn due to Applicant's amendment in claim 2 in Amdt. F.

11. The 35 U.S.C. 103 rejection of claim 6 that was repeated in paragraph 11 of Rej. 4 has been withdrawn due to Applicant's amendment in claim 2 in Amdt. F.

12. The 35 U.S.C. 103 rejection of claims 1 and 19 made of record in paragraph 16 of Rej. 4 has been withdrawn due to Applicant's amendment in claim 1 in Amdt. F.

13. The 35 U.S.C. 103 rejections of claims 3 and 4 made of record in paragraphs 17 and 18 of Rej. 4 have been withdrawn due to Applicant's amendment in claim 1 in Amdt. F.

REPEATED REJECTIONS

14. The 35 U.S.C. 112 rejection of claims 10-12 made of record in paragraph 14 of Rej. 4 have been repeated for the reasons previously made of record (the claimed combination of the noncontact surface having a Bekk smoothness of 3 to 55 seconds and the contact surface having a Bekk smoothness of 8 to 560 seconds is not supported).

15. The 35 U.S.C. 103 rejections of claims 13-18 and 22 made of record in paragraphs 19 and 20 of Rej. 4 have been repeated for the reasons previously made of record.

NEW REJECTIONS

Claim Rejections - 35 USC § 103

16. Claims 1, 2, 7-10, 19-21 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coppens et al. in view of Hayashi et al. and in further view of Usui (US 6,306,254).

In regard to claim 1, Coppens et al. teach a package sheet structure comprising at least one planographic printing plate (col. 1, lines 30-34 and col. 3, lines 53-58) comprising a hydrophilic base (col. 4, lines 5-6) and an imaging surface (photosensitive layer, col. 3, lines 54-56). Coppens et al. teach that the package sheet structure comprises a packaging sheet material (paper spacer, col. 3, lines 41-43) packaging the planographic printing plate (therefore, for packaging a planographic printing plate) comprising opposing surfaces with one surface contacting the imaging surface of the planographic printing plate (col. 3, lines 41-43).

In regard to claim 2, Coppens et al. teach a package sheet structure comprising at least one planographic printing plate (col. 1, lines 30-34 and col. 3, lines 53-58) comprising an aluminum substrate (hydrophilic base, col. 4, lines 5-6) and an imaging surface (photosensitive layer, col. 3, lines 54-56). Note that "aluminium" (col. 4, line 5) is an alternative spelling of "aluminum" that is used outside of the U.S. as evidenced in the Third Electronic Edition of the CRC Handbook of Chemistry and Physics (page 4-3), and that Coppens et al. reside in Belgium. Coppens et al. teach that the package sheet structure comprises a packaging material (paper spacer, col. 3, lines 41-43) packaging the planographic printing plate having opposing surfaces with one surface contacting the imaging surface of the planographic printing plate (col. 3, lines 41-43).

Art Unit: 1772

In regard to claims 7 and 21, Coppens et al. teach a package sheet structure comprising at least one planographic printing plate (col. 1, lines 30-34 and col. 3, lines 53-58) comprising a hydrophilic base (col. 4, lines 5-6) and an imaging surface (photosensitive layer, col. 3, lines 54-56). Coppens et al. teach that the package sheet structure comprises a packaging sheet material (paper spacer, col. 3, lines 41-43) packaging the planographic printing plate (therefore, for packaging a planographic printing plate) comprising a contact surface contacting a coating film of the planographic printing plate when the planographic printing plate is packaged and a noncontact surface opposing the contact surface (col. 3, lines 41-43).

In regard to claims 1, 2 and 7, Coppens et al. fail to teach that the opposing surface has a Bekk smoothness of from 3 to 55 seconds and that the density of the material is 0.7 to 0.85 g/cc.

Hayashi et al., however, disclose a photographic sheet material composed of a support and a sensitive emulsion coated on the support (col. 8, lines 30-39 and col. 4, line 45). Hayashi et al. disclose that a sheet of paper having smooth surfaces is inserted between every two sheets of the sheet material (col. 8, lines 30-39) or the sheets of paper and sheets of the sheet material are placed alternately (col. 9, lines 3-8). Hayashi et al. disclose that the paper has a Bekk smoothness of 5 to 10,000 seconds (col. 2, lines 48-54 and col. 8, lines 39-42), a range that overlaps with the claimed range of 3 to 55. Given that the sheet of paper has "smooth surfaces" (col. 2, lines 40 and 45-47 and col. 8, lines 30-39), Examiner interprets the use of the plural form of "surface" to indicate that both surfaces of the sheet of paper have a degree of smoothness as quantified by the stipulated Bekk smoothness range of 5-10,000. Therefore, one of ordinary skill in the art would have recognized to have used paper as the paper spacer of Coppens et al. that has surfaces having a Bekk smoothness of 5 to 10,000 seconds, a range that overlaps with the claimed range of 3 to

Art Unit: 1772

55 seconds, since Bekk smoothness values of from 5 to 10,000 seconds for paper are notoriously well known suitable smoothness values for packaging photographic sheet material as taught by Hayashi et al.

Usui ('254), furthermore, discloses an interleaf paper for protecting a photosensitive printing plate material coated with a water-soluble oxidation preventing layer which enables stabilization of the sensitivity of the photosensitive printing plate material in a short period of time (col. 1, lines 6-10 and col. 2, lines 22-26). Usui discloses that an interleaf paper formed from kraft pulp having a density of about 0.8g/cm^3 is a suitable interleaf paper for covering (therefore, protecting) photosensitive printing plate material (col. 2, lines 51-62), and consequently, that a density of about 0.8g/cm^3 is a suitable density of an interleaf paper for protecting photosensitive printing plate material. Therefore, one of ordinary skill in the art would have recognized to have synthesized the sheets taught by Coppens et al. and Hayashi et al. with the density specified by Usui in order to provide a paper capable of effectively protecting the printing plate and to enable stabilization of the sensitivity of the photosensitive printing plate material in a short period of time as taught by Usui.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used paper as the paper spacer of Coppens et al. that has surfaces having a Bekk smoothness of 5 to 10,000 seconds, a range that overlaps with the claimed range of 3 to 55 seconds, since Bekk smoothness values of from 5 to 10,000 seconds for paper are notoriously well known suitable smoothness values for packaging photographic sheet material as taught by Hayashi et al. and to have synthesized the sheets taught by Coppens et al. and Hayashi et al. with the density specified by Usui in order to provide a paper capable of effectively protecting the

Art Unit: 1772

printing plate and to enable stabilization of the sensitivity of the photosensitive printing plate material in a short period of time as taught by Usui.

In further regard to claim 2, the phrase “for feeding through an automatic plate feeding mechanism” is an intended use phrase that has not given patentable weight, since it has been held that a recitation with respect to the manner in which a claimed article is intended to be employed does not differentiate the claimed article from a prior art article satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQd 1647 (1987).

In regard to claims 8-10, Hayashi et al. teach that the paper having smooth surfaces has a Bekk smoothness of 5 to 10,000 seconds (col. 2, lines 48-54 and col. 8, lines 39-42), a range that overlaps with the range of 3 to 100 seconds claimed in claim 8 and that encompasses the ranges of 250 to 900 seconds and 8 to 560 seconds claimed in claims 9 and 10, respectively. Given that the sheet of paper has “smooth surfaces” (col. 2, lines 40 and 45-47 and col. 8, lines 30-39), Examiner interprets the use of the plural form of “surface” to indicate that both surfaces of the sheet of paper have a degree of smoothness as quantified by the stipulated Bekk smoothness range of 5-10,000. Therefore, one of ordinary skill in the art would have recognized to have used paper as the paper spacer of Coppens et al. that has surfaces having a Bekk smoothness of 5 to 10,000 seconds, a range that overlaps with the claimed ranges of 3 to 55 seconds for the noncontact surface and that overlaps with the range of 3 to 100 seconds claimed in claim 8 and that encompasses the ranges of 250 to 900 seconds and 8 to 560 seconds claimed in claims 9 and 10, respectively, for the contact surface, since Bekk smoothness values of from 5 to 10,000 seconds for paper are notoriously well known suitable smoothness values for packaging photographic sheet material as taught by Hayashi et al.

Art Unit: 1772

In regard to claims 19, 20, 24 and 25, Hayashi et al. disclose that the sheet of paper having smooth surfaces has a Bekk smoothness of 5 to 10,000 seconds (col. 2, lines 48-54 and col. 8, lines 39-42), a range that overlaps with the claimed ranges of 3 to 900 seconds and 3 to 55 for the contact and noncontact surfaces, respectively. Given that the sheet of paper has "smooth surfaces" (col. 2, lines 40 and 45-47 and col. 8, lines 30-39), Examiner interprets the use of the plural form of "surface" to indicate that both surfaces of the sheet of paper have a degree of smoothness as quantified by the stipulated Bekk smoothness range of 5-10,000. Therefore, one of ordinary skill in the art would have recognized to have used paper as the paper spacer of Coppens et al. that has surfaces having a Bekk smoothness of 5 to 10,000 seconds, a range that overlaps with the claimed ranges of 3 to 900 seconds and 3 to 55 seconds, since Bekk smoothness values of from 5 to 10,000 seconds for paper are notoriously well known suitable smoothness values for packaging photographic sheet material as taught by Hayashi et al.

In regard to claim 26, Usui teaches that interleaf paper has a high separability from planographic printing plates when the packaging structure is in an automatic plate-feeding mechanism (col. 1, lines 41-53). In regard to claim 27, Usui teaches that the interleaf paper is produced from a bleached Kraft pulp (col. 2, lines 51-60). Therefore, one of ordinary skill in the art would have recognized to have produced the paper of Coppens et al. with the bleached Kraft pulp of Usui since bleached Kraft pulp is a notoriously well known material for use in producing paper interleaf sheets for packaging photosensitive sheet material as taught by Usui.

17. Claims 3, 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coppens et al. in view of Hayashi et al. and in further view of Usui (US 6,306,254) and in further view of Patent Abstract of Japan 03036545 of Goto et al.

Art Unit: 1772

Coppens et al., Hayashi et al. and Usui ('254) teach the package and material as discussed above. Hayashi et al. teach that the paper has a basis weight of 5 to 200 g/m² (col. 3, lines 8-10) and a pH of 3-8 (claim 4, col. 8). Craft paper is listed as a suitable paper for use in the invention (col. 2, lines 39-42). Coppens et al., Hayashi et al. and Usui ('254) fail to teach that the sheet has a relative humidity of 4% to 6%. Patent Abstract of Japan 03036545 of Goto et al., however, discloses that the moisture content ratio of slip-sheets, which are printing plate packaging materials equivalent to interleaf sheets, is confined to 8% (line 11 of Constitution section, i.e., the moisture content ratio is no more than 8%); consequently, deterioration in visible image formability during packing and storing is thus prevented (Purpose section). Applicant acknowledges that the term "relative humidity" is a more clear term for the term "moisture" that does not narrow the scope of the claim on page 9 of Amdt. E, and therefore, that the terms "relative humidity" and "moisture" are equivalents. One of ordinary skill in the art would have recognized to have limited the moisture content ratio of the sheet taught by Coppens et al., Hayashi et al. and Usui ('254) to a moisture content ratio of 4-6% in order to prevent deterioration in visible image formability during packing and storing as taught by Patent Abstract of Japan 03036545 of Goto et al., depending on the desired end result.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have limited the moisture content ratio of the interleaf sheet taught by Coppens et al., Hayashi et al. and Usui ('254) to a moisture content ratio of 4-6% in order to prevent deterioration in visible image formability during packing and storing as taught by Patent Abstract of Japan 03036545 of Goto et al.

Art Unit: 1772

Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have limited the moisture content ratio of the interleaf sheet taught by Coppens et al. and Hayashi et al. to a moisture content ratio of 4-6% in order to prevent deterioration in visible image formability during packing and storing as taught by Goto et al. depending on the desired end result, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art in absence of unexpected results. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

18. Claims 4, 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coppens et al. in view of Hayashi et al. and in further view of Usui (US 6,306,254) and in further view of Dirx and in further view of Usui et al. (JP 8-39958).

Coppens et al., Hayashi et al. and Usui ('254) teach the package and material as discussed above. Coppens et al., Hayashi et al. and Usui ('254) fail to teach that the material is cardboard with a weight of approximately 640 g/m^2 and a density of *specifically* 0.72 g/cc . Dirx, however, disclose that a sheet of cardboard (Figure 1, item 16) is provided under a stack of photographic plates as a component of a package for photographic plates (col. 3, lines 35-36). The cardboard sheet avoids the occasional cutting of the wrapping foil (Figure 1, item 15 and col. 3, line 24) by the edges of the lowermost plate (col. 3, lines 37-38). One of ordinary skill in the art would have recognized to provide a sheet of cardboard under the stack of sheets taught by Coppens et al., Hayashi et al. and Usui ('254) in order to avoid the occasional cutting of the wrapping foil by the edges of the lowermost sheet as taught by Dirx.

In regard to the cardboard weight basis and density, Usui et al. (JP 8-39958) teach a protection paper cover (Figure 1, item 3) which is placed between every 50 photosensitive sheets

Art Unit: 1772

(item 1, Figure 1) in a stack of the photosensitive sheets (paragraph 3). The protection paper cover of Usui et al. ('958) is equivalent to the cardboard sheet 16 in Figure 1 of Dirx. The bundle of 50 photosensitive sheets sandwiched between protection paper covers are wrapped in interior paper (Figure 1, item 4). The interior paper 4 is equivalent to the wrapping foil 15 of Dirx. Usui et al. ('958) disclose an example of the protection paper cover that has a weight basis of 640g/m^2 and a density of 0.72g/cm^3 (paragraph 18 and chart on page 3, Example 1). Usui et al. ('958) therefore establish the claimed weight basis and density values of the paperboard material (referred to as cardboard by Dirx and protection paper by Usui et al. ('958)) as suitable for paperboard for use as an effective packaging material for photosensitive sheets. Therefore, one of ordinary skill in the art would have recognized to have synthesized the cardboard sheet of Dirx with the weight basis and density specified by Usui et al. ('958) in order to provide a paperboard sheet capable of effectively avoiding the occasional cutting of the wrapping foil by the edges of the lowermost photothermographic sheet as taught by Dirx.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the sheet of cardboard of Dirx under the stack of sheets taught by Coppens et al., Hayashi et al. and Usui ('254) in order to avoid the occasional cutting of the wrapping foil by the edges of the lowermost sheet as taught by Dirx and to have synthesized the cardboard sheet of Dirx with the weight basis and density specified by Usui et al. ('958) in order to provide a paperboard sheet capable of effectively avoiding the occasional cutting of the wrapping foil by the edges of the lowermost photothermographic sheet as taught by Dirx.

19. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coppens et al. in view of Hayashi et al. and in further view of Busch.

Coppens et al. teach a package sheet structure comprising at least one planographic printing plate (col. 1, lines 30-34 and col. 3, lines 53-58) comprising an aluminum substrate (hydrophilic base, col. 4, lines 5-6) and an imaging surface (photosensitive layer, col. 3, lines 54-56). Coppens et al. teach that the package sheet structure comprises a packaging material (paper spacer, col. 3, lines 41-43) packaging the planographic printing plate comprising opposing surfaces with one surface contacting the imaging surface of the planographic printing plate (col. 3, lines 41-43).

Coppens et al. fail to teach that the two surfaces of the packaging material have different Bekk smoothness values. Hayashi et al., however, disclose a photographic sheet material composed of a support and a sensitive emulsion coated on the support (col. 8, lines 30-39 and col. 4, line 45). Hayashi et al. disclose that a sheet of paper having smooth surfaces is inserted between every two sheets of the sheet material (col. 8, lines 30-39) or the sheets of paper and sheets of the sheet material are placed alternately (col. 9, lines 3-8). Hayashi et al. disclose that coated paper is a suitable kind of paper for the sheet of paper (col. 2, lines 39-42). Busch, furthermore, discloses a coated paper comprising opposing surfaces (the underside coated with an emulsion coating containing a coarse, solid particulate material, and an opposing surface, a clay coating having a high degree of surface smoothness) (col. 1, lines 5 and 41-60, col. 2, lines 21-27, and Fig. 2), where the opposing surface has a different Bekk smoothness from that of the first surface (since the first surface contains a coarse, solid particulate material and the opposing surface has a high degree of surface smoothness). One of ordinary skill in the art would have recognized to have used coated paper as the paper spacer of Coppens et al. since coated paper is a notoriously well known packaging material for packaging photographic sheet material and to

Art Unit: 1772

have used the coated paper of Busch as the coated paper, since the coated paper of Busch is a notoriously well known type of coated paper .

20. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coppens et al. in view of Hayashi et al.

Coppens et al. teach a package sheet structure comprising at least one planographic printing plate (col. 1, lines 30-34 and col. 3, lines 53-58) comprising an aluminum substrate (hydrophilic base, col. 4, lines 5-6) and an imaging surface (photosensitive layer, col. 3, lines 54-56). In regard to the recitation "being adapted to be fed through an automatic plate feeding mechanism", it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. *In re Hutchinson*, 69 USPQ 138. Coppens et al. teach that the package sheet structure comprises a means for preventing peeling of the imaging surface of the at least one planographic printing plate when the imaging surface is fed through the feeding mechanism (paper spacer, packaging the planographic printing plate having opposing surfaces with one surface contacting the imaging surface of the planographic printing plate (col. 3, lines 41-43).

Coppens et al. fail to teach that the surface contacting the imaging surface of the printing plate has a Bekk smoothness from 250 to 900 seconds. Hayashi et al., however, disclose a photographic sheet material composed of a support and a sensitive emulsion coated on the support (col. 8, lines 30-39 and col. 4, line 45). Hayashi et al. disclose that a sheet of paper having smooth surfaces is inserted between every two sheets of the sheet material (col. 8, lines 30-39) or the sheets of paper and sheets of the sheet material are placed alternately (col. 9, lines 3-8). Hayashi et al. disclose that the paper has a Bekk smoothness of 5 to 10,000 seconds (col. 2,

Art Unit: 1772

lines 48-54 and col. 8, lines 39-42), a range that overlaps with the claimed range of 250 to 900. Given that the sheet of paper has “smooth surfaces” (col. 2, lines 40 and 45-47 and col. 8, lines 30-39), Examiner interprets the use of the plural form of “surface” to indicate that both surfaces of the sheet of paper have a degree of smoothness as quantified by the stipulated Bekk smoothness range of 5-10,000. Therefore, one of ordinary skill in the art would have recognized to have used paper as the paper spacer of Coppens et al. that has surfaces having a Bekk smoothness of 5 to 10,000 seconds, a range that overlaps with the claimed range of 250 to 900 seconds, since Bekk smoothness values of from 5 to 10,000 seconds for paper are notoriously well known suitable smoothness values for packaging photographic sheet material as taught by Hayashi et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used paper as the paper spacer of Coppens et al. that has surfaces having a Bekk smoothness of 5 to 10,000 seconds, a range that overlaps with the claimed range of 250 to 900 seconds, since Bekk smoothness values of from 5 to 10,000 seconds for paper are notoriously well known suitable smoothness values for packaging photographic sheet material as taught by Hayashi et al.

ANSWERS TO APPLICANT'S ARGUMENTS

21. Applicant's arguments regarding the combination of Coppens et al., Hayashi et al. and Usui presented on pages 11-16 of Amdt. F. have been fully considered but are not persuasive.

Applicant states that “Examiner alleges that the lithographic printing plate of Coppens, photothermographic printing plates of Hayashi, photosensitive printing plate of Usui 1 and a planographic printing plate as set forth in the independent claims are all equivalent to each other”

Art Unit: 1772

on pages 15-16 of Rej. 4, but this is not alleged. The paragraph bridging pages 15 and 16 of Rej. 4 establishes that “lithographic printing plates and photothermographic printing plates are both planographic printing plates”. Contrary to Applicant’s argument made in the italicized heading on page 12 of Amdt. F, the photothermographic printing plate of Hayashi is a planographic printing plate as follows from the reasoning presented in the paragraph bridging pages 15 and 16 of Rej. 4. Applicant’s analogy and related discussion does not address Examiner’s argument that the photothermographic printing plate of Hayashi is a planographic printing plate. Combination of the references is appropriate for the reason provided on page 16 of Rej. 4.

Applicant argues that “density of a printing plate is not linked to the stabilization of the sensitivity of the photosensitive printing plate material”, but Usui explicitly states the interleaf paper enables stabilization of the sensitivity of the photosensitive printing plate material (col. 2, lines 24-25). The claim recites the density of the packaging material, not that of the printing plate. In response to Applicant’s argument that Usui “has nothing to do with protecting photothermographic sheets for a prolonged storage”, the speed at which sensitivity is stabilized (such as “in a short period of time” as taught by Usui) does not indicate anything about the length of time the printing plates are intended to be stored. Applicant states that “one of ordinary skill in the art, confronted with a problem of prolonged storage...would never have turned to a reference which stabilizes sensitivity of the printing plates quickly”, but the speed at which sensitivity is stabilized (such as “in a short period of time” as taught by Usui) does not indicate anything about the length of time the printing plates are intended to be stored, and regardless of how long the plates are intended to be stored, it is desirable to stabilize the sensitivity of the printing plates as quickly as possible.

Art Unit: 1772

22. Applicant's arguments regarding the rejections of claims 3-6, 8-12 and 14-22 presented on page 16 of Amdt. F. have been fully considered but are not persuasive. Applicant's arguments depend entirely upon Applicant's arguments regarding the combination of Coppens et al., Hayashi et al. and Usui which have been addressed above.

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter B. Aughenbaugh whose telephone number is 571-272-1488. The examiner can normally be reached on Monday-Thursday from 9:00am to 6:00pm and on alternate Fridays from 9:00am to 5:00pm.


Art Unit: 1772

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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1772

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